Criminal Revision No. 527 of 2001
(Old No. 671/1994)
Hon'ble Irshad Hussain, J.

None appear for the revisionist despite service. Heard Sri A.G.A. and perused the record.

This revision has been preferred against the judgment and order dated 15.4.1994 whereby the learned Sessions Judge allowed the criminal revision preferred against the judgment and order dated 2.2.1993 of the Special Judicial Magistrate, Irrigation Division, Kashipur convicting and sentencing the revisionist to pay fine of Rs. 50/- under Section 70 of the Canal Act.

Perusal of the judgment of the Magistrate reveal that there was no reliable evidence to prove that the revisionist had obstructed the flow of water of any irrigation canal passing through the agricultural plot no. 250. This apart, the accusations brought against the revisionist by way of evidence of the prosecution were not put to him under Section 313 of the Code of Criminal Procedure to enable him to explain the circumstances appearing against him. The learned Sessions Judge was of the view that the case being of petty nature it will not be desirable to remand the case for trial according to law and therefore took it also a ground to come to the conclusion that the revisionist cannot be saddled with the responsibility of the alleged wrongful act punishable under Section 70 of the Canal Act. The impugned judgment and order of the learned Magistrate was therefore set aside and revisionist was acquitted.

The view taken by the learned Sessions Judge does not suffer from vice of impropriety and in the limited revisional jurisdiction interference with the said judgment and order is not legally warranted.

Considering this, the revision is devoid of merit and is liable to be dismissed. The revision is dismissed.

(Irshad Hussain, J.)

Dated 23.10.2003
Rawat